



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

February 16, 2006

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Grants Pass Plan Amendment  
DLCD File Number 005-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 6, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
John Renz, DLCD Regional Representative  
Steve Oulman, DLCD Transportation Planner  
Tom Schauer, City of Grants Pass

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DLCD NOTICE OF ADOPTION

FEB 15 2006

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18 (See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF GRANTS PASS Local File No.: 05-40500003
Date of Adoption: 2/1/2006 Date Mailed: 2/10/2006
Date the Notice of Proposed Amendment was mailed to DLCD: 10/29/2005

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

AMENDS ARTICLES 2, 17, 19 + 23. ADDS NEW ARTICLE 20. ADOPTS COMMERCIAL DESIGN STANDARDS, INCLUDING REVISIONS TO LANDSCAPING + SCREENING STANDARDS. AMENDS SUBMITTAL REQUIREMENTS. REQUIRES CONSIDERATION OF ACCESS + CIRCULATION AT TIME OF RECONFIGURATION OR DIVISION OF COMMERCIAL PROPERTIES.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

AMENDMENT TO ARTICLE 2 ADDED

Plan Map Changed from: N/A to N/A
Zone Map Changed from: N/A to N/A
Location: N/A Acres Involved: N/A
Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: GOAL 2 LAND USE PLANNING, GOAL 9 ECONOMIC DEV. GOAL 12 TRANSPORTATION
Was an Exception Adopted? Yes: No: X

DLCD File No.: 005-05 (14782)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts:                     

Local Contact: TOM SCHAUER, (LWS) ANALYST Area Code + Phone Number: (541) 474-6355 x6418

Address: 101 NW 'A' ST

City: GRANTS PASS Zip Code+4: 97526

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed to DLCD within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. **Submit TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 5333

**AN ORDINANCE AMENDING ARTICLES 2, 17, 19, & 23 OF THE DEVELOPMENT CODE AND ADDING ARTICLE 20 TO THE DEVELOPMENT CODE, PERTAINING TO COMMERCIAL DESIGN STANDARDS AND RELATED STANDARDS FOR LANDSCAPING & SCREENING AND LOT RECONFIGURATION AND DIVISION.**

**WHEREAS:**

1. The Comprehensive Plan of the City of Grants Pass was adopted December 15, 1982. The Development Code of the City of Grants Pass was adopted August 17, 1983; and
2. The Development Code amendment adopts design standards for commercial development, implementing a component of the City Council's work plan to further the City Council goal of Growth Management to maintain the sense of "hometown" as the community grows.
3. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan; and
4. The applicable criteria from the Development Code are satisfied, and the proposed amendment is recommended by the Planning Commission to the City Council; and
5. The City Council adopted interim standards in 2005, and finds it essential that these permanent standards become effective immediately to replace the interim standards, in the best interest of the public peace, health, safety, and welfare.

**NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:**

**Section 1:** The amendments to the Development Code as set forth in the document marked as Exhibits 'A' through 'F', which are attached to and incorporated in this ordinance, are hereby adopted.

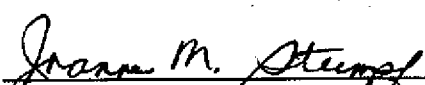
**Section 2: EMERGENCY CLAUSE:** An emergency is hereby declared to exist and in the interest of the public peace, health and safety of the City of Grants Pass and the inhabitants thereof, this Ordinance has been introduced and read twice and placed upon its final passage at a single meeting of the Council and shall take effect immediately upon passage.

**ADOPTED** by the Council of the City of Grants Pass, Oregon, in regular session this 18th day of January, 2006.

**SUBMITTED** to and Approved by the Mayor of the City of Grants Pass, Oregon, this 19 day of January, 2006.

  
\_\_\_\_\_  
Len Holzinger, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Joann M. Stumpf  
Administrative Services Director

Date submitted to Mayor: 1/19/06

**CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT**

**COMMERCIAL DESIGN STANDARDS  
DEVELOPMENT CODE TEXT AMENDMENT  
FINDINGS OF FACT – CITY COUNCIL**

**Procedure Type:** Type IV: Planning Commission Recommendation and City Council Decision  
**Project Number:** 05-40500003  
**Project Type:** Development Code Text Amendment  
**Applicant:** City of Grants Pass  
**Planner Assigned:** Tom Schauer  
**Application Received:** October 28, 2005  
**Application Complete:** October 28, 2005  
**Date of Planning Commission Staff Report:** December 8, 2005  
**Date of Planning Commission Hearing:** December 14, 2005  
**Date of City Council Staff Report:** January 11, 2006  
**Date of City Council Hearing:** January 18, 2006

**I. PROPOSAL:**

A Development Code Text Amendment, including amendments to Articles 2, 17, 19, and 23. Adds new Article 20. Adopts commercial design standards, including revisions to landscaping and screening standards. Amends submittal requirements. Requires consideration of access and circulation at time of reconfiguration or division of commercial properties. ***See Exhibit 1 to City Council Staff Report for a summary of the proposed amendments. See Exhibit 2 to City Council Staff Report for final draft of proposed amendments.***

**II. AUTHORITY AND CRITERIA:**

Section 4.102 and Schedule 4-3, City of Grants Pass Development Code, provide that the Director or City Council may initiate a text amendment. The amendment was initiated by the Director's designee.

Sections 2.060, 7.040 and 7.050 authorize the Urban Area Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on a land use matter requiring a Type IV procedure, in accordance with procedures of Section 2.060.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

### **III. APPEAL PROCEDURE:**

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

### **IV. PROCEDURE:**

- A. The application was received on October 28, 2005, deemed complete on October 28, 2005, and processed in accordance with Section 2.060 of the Development Code.
- B. Notice of the proposed amendment and the public hearings was mailed to the Oregon Department of Land Conservation and Development on October 28, 2005.
- C. Notice of the proposed amendment and the public hearings was delivered to Josephine County on October 28, 2005.
- D. Public notice of the December 14, 2005 Planning Commission public hearing was published in the newspaper on December 7, 2005, in accordance with Sections 2.053 and 2.063 of the Development Code.
- E. Public notice of the December 14, 2005 Planning Commission public hearing was mailed to interested parties on November 23, 2005.
- F. A public hearing was held by the Urban Area Planning Commission on December 14, 2005 to consider the request.
- G. Public notice of the January 18, 2006 City Council public hearing was mailed to interested parties on December 28, 2005.
- H. Public notice of the January 18, 2006 City Council public hearing was published in the newspaper on January 11, 2006, in accordance with Sections 2.053 and 2.063 of the Development Code.
- I. A public hearing was held by the City Council on January 18, 2006 to consider the request and recommendation of the Planning Commission.

### **V. SUMMARY OF EVIDENCE:**

- A. The basic facts and criteria regarding this application are contained in the City Council staff report and exhibits, which is attached as Exhibit "A" and incorporated herein.
- B. The minutes of the January 18, 2006 public hearing held by the City Council, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

## VI. GENERAL FINDINGS - BACKGROUND AND DISCUSSION:

### Proposed Amendment

The proposal carries out Outcome C, Work Task 3 of the City Council's work plan under the City Council Growth Management Goal:

**Goal 1. Growth Management:** While prospering and growing, we keep the sense of hometown, protect our natural resources and enhance our community improvements.

### ***Outcome C. Other Activities to Support the Goal of Growth Management***

- **Workplan Element:** Review and revise sections of the various codes.
- **Target for 2005-2006:** Staff will develop a series of revisions to the Development Code. These revisions include... architectural standards for commercial buildings.

The proposal includes amendments to Articles 2, 17, 19, and 23, and adoption of a new Article 20. The proposed amendments are summarized in ***Exhibit 1 to the City Council Staff Report***. The proposed text is provided in ***Exhibit 2 to the City Council Staff Report***. The purpose and intent sections of proposed Article 20 provide substantial background information regarding what the amendments are intended to accomplish.

The Planning Commission recommended approval of the proposed amendments to City Council, as presented in Exhibit 2 to the Planning Commission Staff Report, with the following additions:

- additional graphics to be updated as identified in the draft.
- additional terms to be defined as needed.
- checklist to be provided.
- Schedule 2-1 to be revised to reference the discretionary review provisions of Article 20 as presented in Exhibit 4 to the Planning Commission Staff Report.
- Section 20.450(2)(b) to be revised to change the minimum roof pitch from 3:12 to 5:12.
- Section 20.490(2)(b) to be revised to change recommendation to requirement that chain link fence not be used between building face and street.

Staff provided those items, and the following items, which do not conflict with the recommendation of the Planning Commission:

- Per request of attendee at open house: Section 23.035(3): text added to clarify minimum dimensions for landscaped end islands, and graphic added.
- Section 23.035(4)(c): added to clarify standard.
- Section 20.410(6): clarified.
- Section 20.420: text revised slightly to clarify standards, minor reorganization of graphics
- 20.450(3): text added for clarity.

## VII. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA:

*The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.*

**CRITERION 1:** The proposed amendment is consistent with the purpose of the subject section and article.

**City Council's Response: Satisfied.** The proposal amends Articles 2, 17, 19, and 23, and creates a new Article 20. The purpose statements of Articles 17, 19, and 23 provided in the record. The proposed purpose statements for Article 20 are provided in the text of the proposal attached as **Exhibit 2** to the City Council Staff Report.

**Article 17.** The purpose of Article 17 is to address lot line vacations, lot line adjustments, and land divisions, with a "consideration for future development". Further, "the intention is to create lots and parcels for which development permits and/or building permits can be issued without varying applicable site development standards, and for which urban services and necessary off-site improvements are provided." There is no separate purpose statement for the specific section being amended, Section 17.510, Base Lot Standards.

The proposed amendment is consistent with the purpose statement of Article 17. While many of the standards for reconfiguring properties and dividing properties are concerned with minimum lot size and frontage, it is necessary to ensure these actions do not result in property configurations which preclude compliance with street connectivity standards or preclude opportunities for cross-access between properties, leading to unnecessary demand on the capacity of public streets.

**Article 19.** The purpose of Article 19 is to address site plan review. The only amendment is to the submittal requirements. The purpose calls for "a review process insuring that new development complies with the provisions of this Code and is therefore compatible with existing and future development. The review process will include procedures, submittal requirements, criteria, and decision authority." The only proposed amendment to Article 19 is to modify the submittal requirements to ensure materials are submitted as necessary to determine compliance with the provisions of the new Article 20. The procedure for review would remain the same. However, Article 20 also specifies additional options for a discretionary review process. Therefore, Schedule 2-1 which references the review procedures should also be updated to refer to these discretionary review alternatives.

**Article 20.** This is a new article in the Development Code, and includes a new purpose section. This purpose section is consistent with the purpose statements of other sections of the Code. It does not create conflicts. In addition, it is consistent with the Purpose in Article 1 of the Development Code, to implement the Comprehensive Plan and coordinate city regulations governing the development of land. The purpose expressed in Article 20 is consistent with themes expressed in the purpose statements of related articles.



- Article 23, landscaping and buffering standards, recognizes “major gateways to the City and key travel routes through the City give a lasting impression to the visitor for good or ill, and impression critical to our tourist economy”. In addition, “landscaping is a significant factor in maintaining the livability and economic vitality of the community.”
- Section 22.400 provides standards for single-family and duplex residential development, and states a purpose “to establish and maintain residential scale and character of neighborhoods by precluding large expanses of uninterrupted building surfaces.”
- Section 22.105 provides standards for multi-family development, and states a purpose “to preclude large expanses of uninterrupted building surfaces”, where “exterior elevations shall incorporate design features such as offsets, balconies, projections, or similar elements along each face of the building facing a public right-of-way or abutting property.”
- In addition, the site plan review criteria in Article 19 already recognize the need to mitigate areas of land use conflicts and consider architecture and building size to ensure compatible scale and balance.

**Article 23.** In addition to the purpose statement already quoted above, Article 23 specifies the environmental benefits of landscaping. No specific purpose statements are stated for the individual sections to be amended. The proposed amendments are intended to further the environmental and aesthetic benefits articulated in the purpose statement, and they are consistent with the purpose of Article 23. The purpose statements do not specifically state the benefits of screening mechanical equipment and service areas, but the proposed amendments address the same aesthetic purpose as landscaping. In addition, the proposed screening requirements are consistent with other screening provisions in Section 23.036 that provide for screening refuse containers, service corridors, and light and glare.

**CRITERION 2:** The proposed amendment is consistent with other provisions of this code.

**City Council’s Response: Satisfied.** The proposed amendments will be internally consistent with other provisions of the Code. The proposed amendments contain language to explain how the Article relates to other provisions of the Code, and specify what occurs when there are more stringent or differing requirements for a special district. The original proposal did not modify the application procedures outlined in Schedule 2-1, but the final draft includes a reference from this table to the discretionary review procedures in Article 20 to ensure consistency and cross-references between various sections of this Code.

**CRITERION 3:** The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

**City Council’s Response: Satisfied. (See below).**

## **Comprehensive Plan Consistency**

Applicable goals and policies are:

### ***Element 3. Scenic, Rogue River, and Natural Resources***

**Goal.** To conserve, restore, and enhance the area's scenic river, historic, and natural resource.

**Policy 3.1.** The City and County shall explore the creation of a scenic route and major gateway overlay designation on the UGB land use map. The scenic overlay shall be used to determine those major arterial routes through, and major entrances to, the City of Grants Pass and urbanizing area frequented by the traveling public, where special landscaping or scenic effect is desired.

**Policy 3.2.** The development code shall require an appropriate level of landscaping for all new development and redevelopment.

### ***Element 7. Recreation, Parks , and Open Space***

**Policy 7.4.** Community appearance is a major concern and should be a subject of a major effort in the area. With visitor income as a primary source of future economic growth and development, beauty becomes a matter of basic economic significance. Street tree planting and landscaping, sign regulation and building improvement and painting programs should all be utilized to improve the environment.

### ***Element 8. Economy***

**Goal.** To improve, diversify, and stabilize the economic base of the community.

**Policy 8.1.** The City and County shall endeavor to improve, expand, diversify and stabilize the economic base of the community...

(e) by protecting existing and planned commercial and industrial areas from the intrusion of incompatible land uses through land use regulation.

(f) by providing for a timely, efficient, clear and objective development review process.

**Policy 8.9.** The City shall promote tourism, as a significant element in the local economy...

### ***Element 13. Land Use.***

**Goal.** To provide a vision of the future through maps and policies that shall guide and inform the land use decisions of the present, in a manner that...(d) is responsive to the wishes of the citizens and property owners of the planning area.

**13.4.1.** ...Land use procedures shall be stratified according to the degree of discretionary judgment required, and the magnitude of the impacts of the proposal on the adjacent properties and the community as a whole...

**13.4.3.** The Development Code procedures shall act to streamline the land development process and eliminate unnecessary delays, and shall contain standards and procedures for land use actions that are clear, objective, and nonarbitrary.

The proposed amendments are consistent with the Comprehensive Plan. The standards implement policies identified above. The standards recognize the livability and economic benefits of development standards that promote the unique character of Grants Pass. The policies identify the importance of the scenic quality of the major entryways and arterial routes through Grants Pass which are frequented by the traveling public. The commercial development addressed in the standards is the predominant land use in the major gateway and arterial corridor areas. Positive impressions have an impact on the tourist economy, and the quality of life of residents. In many cases, entrepreneurs have relocated to Grants Pass, bringing jobs with them, based on positive impressions from an earlier visit to Grants Pass. The unique character of Grants Pass is one of the elements that contributes to the positive experience, and the "sense of hometown" must be maintained as the City grows.

The amendment is a work task from the City Council work plan. Council adopted interim standards in March, and the proposed amendment will replace the interim standards. The public hearings, together with the workshops and open houses that have been conducted for both the interim standards and these proposed amendments, have provided substantial opportunity for community discussion to identify community desires and concerns, and provide a proposal that is responsive to wishes of citizens and property owners. The interim standards provided further opportunity to address issues and adjust the proposed standards accordingly.

The procedures are intended to both streamline the process and provide a higher level of review where a higher degree of discretionary judgment is required. The proposal provides objective standards and more subjective principles. An applicant can meet the objective standards and go through the same process currently in place for site plan review. In addition, applicants have the option of using a discretionary review process, whereby they demonstrate a project equally or better meets the intent of the subjective principles, even though the development may not fully meet all of the objective standards. However, this more discretionary decision is made by the Planning Commission.

**Most Effective Alternative**

The proposed amendment includes a range of policy choices. As a result, there are a substantial number of alternatives. Staff has reviewed numerous codes from other communities, in terms of the standards and process. The proposed amendment is the result of review and analysis of those codes, local desires and objectives, and discussion with design professionals and architects, members of

the commercial development community, and citizens at large, that has resulted in refinement of the standards to their current form.

As noted above, this draft benefits from the earlier adoption of interim standards which provided an opportunity to learn from experience in applying those standards.

The hearings, open houses, and workshops provided an opportunity to identify the general direction desired and make "course corrections" as the standards were developed and refined.

Changes described in Section VI of this report have been incorporated into the final draft. Therefore, the final draft includes some revisions from the original draft submitted on October 28. The City Council found that, with these changes, the proposal is the most effective alternative, and the City Council concurred.

The proposed amendments most effectively carry out the goals and policies of all alternatives considered.

**CRITERION 4:** The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

**City Council's Response: Satisfied:** None of the alternatives affect the functional class of any transportation facility nor change the established performance standards for transportation facilities. The alternatives do not change the permitted uses in a zone.

The provisions of Article 17 provide an opportunity to ensure adequate provisions are made for site circulation and street connectivity early in the process, before opportunities are lost for street connections and shared access arrangements.

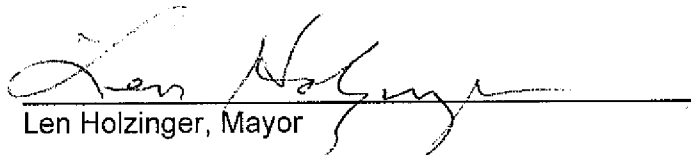
The site design provisions in Article 20 ensure adequate pedestrian and vehicular connectivity in conjunction with site plan review, without conflicting with access management objectives.

Standards in Article 23 are also intended to ensure adequate on-site provision for pedestrians associated with larger retail development.

#### VIII. DECISION AND SUMMARY:

The final draft submitted as attachments to the ordinance, and attached to the City Council Staff Report as Exhibit 2 incorporates all of the items described above, and the City Council **APPROVES** the Final Draft.

#### IX. ADOPTED BY THE GRANTS PASS CITY COUNCIL this 1<sup>st</sup> day of February, 2006.

  
Len Holzinger, Mayor

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